

**DEPARTMENT OF CORRECTIONS**

CALIFORNIA MEDICAL FACILITY  
P.O. BOX 2000  
VACAVILLE, CA 95696-2000



September 22, 2004

The Honorable Peter B. Foor  
Judge of the Superior Court  
County of Solano

Dear Judge Foor:

Re: Response to Annual Grand Jury Report 2003/2004

I have received the Annual Grand Jury Report and have prepared the following responses to the Grand Jury's recommendations:

**Finding #1**

The facility is overcrowded and using spaces not originally intended for inmate housing. (1)

**Recommendation #1**

Overcrowding should be addressed and resolved by the responsible agencies.

**Response to Recommendation #1**

Inmate overcrowding is a Department wide issue and is a concern at all institutions. Concerted efforts are always being made to relieve the overcrowding issue. The California Medical Facility's design capacity is 2,315. The inmate population at CMF as of September 9, 2004, is 3,229, which represents an overcrowding rate of 39%.

**Finding #2**

There is a major shortage of nurses and other medical personnel. (6)

**Recommendation #2**

The state Department of Corrections should look at employment hiring practices with a view to resolve this ongoing problem.

**Response to Recommendation #2**

The shortage of nursing and medical personnel is not unique to the Department of Corrections; in fact, it is a nationwide health care issue.

However, in response to the hiring practices regarding medical personnel, the Department of Corrections has centralized the hiring process and Health Care Division Standards and Selections Branch is now responsible for hiring nurses and medical technical assistants for the entire department.

The Department of Corrections is dedicated to the hiring and retention of qualified health care professionals and it is believed that using a centralized hiring method will streamline the processing of qualified candidates.

**Finding #3**

Correctional Officers were observed smoking in non-designated areas while on duty. This practice could adversely affect officer-inmate relations. (7)

**Recommendation #3**

Specified smoking areas should not be visible to inmates.

**Response to Recommendation #3**

The California Medical Facility is a non-smoking facility for inmates only. There are no provisions for staff other than what is established in the attached Management Memorandum, MM 04-07 REVISION 1. State or Federal laws concerning the rights of smokers cannot be superceded at this institution.

The Warden issued a memorandum in an effort to sensitize staff to this issue on July 26, 2004. That memorandum was recirculated in August 2004. Employees have a legal right to smoke in areas that are outdoors, away from exits and entrances, etc. While we have encouraged staff sensitivity, we cannot guarantee that an inmate will never view a staff member smoking.

If you have any questions or need additional information, please feel free to contact me at (707) 449-6500.

Sincerely,



Teresa A. Schwartz  
Warden  
California Medical Facility

**MANAGEMENT MEMO**

## SUBJECT:

**SMOKING PROHIBITIONS IN OR NEAR DGS CONTROLLED SPACE AND VEHICLES**

## NUMBER:

**MM 04-07 REVISION 1**

## DATE ISSUED:

July 26, 2004

## EXPIRES:

**UNTIL RESCINDED**

## PREFERENCES:

**Government Code Sections 7596-7598  
Health and Safety Code Section 104495  
Supercedes Management Memo 00-08**

## ISSUING AGENCY:

**DEPARTMENT OF GENERAL  
SERVICES (DGS)****Purpose**

The purpose of the Management Memo is for state agencies to comply with the requirements of Sections 7596 through 7598 of the Government Code and Section 104495 of the Health and Safety Code. This Management Memo supercedes Management Memo No. 00-08.

**Policy**

1. This Management Memo applies to all Department of General Services (DGS)-owned and DGS-leased spaces and all DGS-controlled vehicles.
2. No public employee or member of the public shall smoke any tobacco product:
  - A. in a public building, including all indoor areas, except for covered parking lots, residential spaces, and state prison yard areas,
  - B. within 20 feet horizontally or vertically of a main exit, exterior entrance, operable window, or air intake opening of a public building,
  - C. within 25 feet horizontally or vertically of any playground or tot lot sandbox area used by children, or
  - D. in a state-owned vehicle

No signage is required to effectuate any of these prohibitions.

3. No person shall dispose any cigarette, cigar, or other tobacco-related waste within 25 feet of a playground or tot lot sandbox area used by children.
4. Except as otherwise prohibited by law or by this Management Memo, a public employee or member of the public may smoke in any outdoor area of a public building unless a sign is posted otherwise.
5. Ashtrays and other anti-litter appliances may be provided in outdoor areas at the discretion of the Building Manager.

## STATE ADMINISTRATIVE MANUAL

### Non-Compliance

Except as otherwise provided by law, non-compliance should be dealt with at the lowest level possible. If unresolved, non-compliance should be reported in writing to the appropriate tenant agency or to the applicable DGS official, such as the Building Manager or the Lease Management Unit.

A violation of Section 104495 of the Health and Safety Code is punishable by a fine of \$250.00 for each playground or tot lot sandbox area violation and by any other provision of law proscribing the act of littering.

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### Information


Individuals desiring information on smoking cessation assistance should call the toll-free telephone number to the "California Smoker's Help Line" at (800) 766-2888.

### DGS Contact

Please direct all questions concerning this Management Memo to Fred Luzzi, Chief, Building and Property Management Branch, Real Estate Services Division, Department of General Services at (916) 375-4960, fred.luzzi@dgs.ca.gov or Richard R. Bayquen, Chief Deputy Director, Department of Health Services at (916) 440-7400.

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### Signature

  
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Ron Joseph  
Director

